

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWSON HOLLAND,

Plaintiff,

v.

9:10-CV-578
(FJS/TWD)

DR. LESTER WRIGHT; DR. C. MOEHS, Cape
Vincent Correctional Facility; B. BICKEL, Cape
Vincent Correctional Facility; MR. SHANNON,
Cape Vincent Correctional Facility; MCAULIFFE,
Cape Vincent Correctional Facility; and DR.
PALAO, Cape Vincent Correctional Facility,

Defendants.

APPEARANCES

OF COUNSEL

LAWSON HOLLAND
Bronx, New York 10467
Plaintiff *pro se*

OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL
The Capitol
Albany, New York 12224
Attorneys for Defendants

WILLIAM J. MCCARTHY, JR., AAG
JAMES B. MCGOWAN, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Lowe's February 9, 2012 Report and Recommendation, *see* Dkt. No. 36, to which the parties have not filed any objections.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and

footnote omitted). After conducting that review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Lowe's February 9, 2012 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Lowe's February 9, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

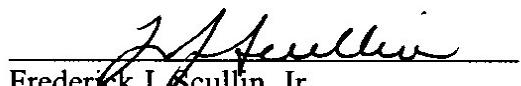
ORDERS that Plaintiff's complaint is **DISMISSED without prejudice** to renewal upon his payment of the \$75 appearance fee and his agreement to appear for a deposition that Defendants will notice;¹ and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 7, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

¹ The Court notes that Plaintiff telephoned the Court on February 15, 2012, and informed the Court that he would be submitting a letter to the Court and sending Defendants' counsel a money order for \$75 that day. Thus far, the Court has not received any such letter and is not aware if Defendants' counsel has received the money order.